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Department of Public Safety

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Minutes

Board of Boiler Rules

National Guard Armory, 14 Minuteman Lane, Wellesley, MA 02481

Meeting of May 5, 2011, 9:30 AM

1. Meeting called to order by the Chairman at 9:37 AM, followed by roll call.

Board Members Present:

Brian Logan, Chairman
Ray Archambault
Thomas Healy
Ernest Hall
Charles Perry

Board Members Not Present:

None

Guests Present:

Henry Geryk, DPS
Steve Sawyer, Travelers
Stephen Kapnis, CNA
Mark Sullivan, DPS
Mark Mooney, Liberty Mutual
Paul Barra, Liberty Mutual
Ed Kawa, Liberty Mutual
Glenn Robinson, HSB
Anthony Lucier, NAPE May
Don Stats, Travelers
Steve Sawyer, Travelers
Mike Robillard, Chubb
Ted Carroll, DPS
Paul Logan, SEI
Leah Francis, Liberty Mutual
Tom Stanton, Arise
Holly Bartlett, DPS

2. Minutes of previous meeting: The minutes from the previous meeting on February 10, 2011, were distributed. A motion to accept these minutes into record was made by Ernest Hall, seconded by Charles Perry, and approved by a unanimous vote. The Chairman recognized several distinguished guests present, former DPS Chiefs Mark Mooney and Ed Kawa, and Paul Logan.
3. Petitions for extensions to boiler inspections:
 - a. Northeast Energy Associates – Request dated March 16, 2011, for 70 day extension for four boilers – *Motion made to approve all four requests, granted by unanimous vote.*
 - b. Solutia, Inc. – Request dated February 15, 2011, for 30 day extension – *No action necessary.*
 - c. Pittsfield Generating Co. – Request dated March 14, 2011, for 4 month extension of three units – *No action necessary.*

After hearing the petitions, the Chairman brought up the matter of petitions being submitted to the Board, but not being addressed until after the fact due to the Bureau's meeting schedule. Previously, the Board would poll via e-mail, but could no longer do that with the new open meeting law requirements. A suggestion was made to hold more frequent meetings via teleconference, announcing the location for public attendance. ***The Chairman said he would check with DPS General Counsel on this possibility.*** Another suggestion was made to hold meetings more frequently with a minimum quorum. Another suggestion was made that the Board consider voting at an open meeting to give authority to the Chairman to consider and approve requests received between meetings. ***The Chairman will check with General Counsel about this.***

4. Review of CMR:
 - a. Chairman: A number of names have been submitted by those professionals willing to assist in the re-write of CMR 522. ***A copy of the CMR will be e-mailed to those people interesting in assisting and providing input.*** The Board will meet again on Thursday, September 1, at which time the Board will hear recommendations for changes/corrections, including but not limited to, any updates to codes, technological changes, grammatical corrections, insurance industry input.
5. New Business
 - a. Vertical Air Tanks: The Chairman was recently presented with a copy of the minutes from a Board meeting on July 20, 1989. Specifically, Section 4, the Chair had requested that the Board, "re-consider the deletion of the 12" clearance from floor to tank for air tanks in 522 CMR Section 8.02. The district engineering inspectors have provided feedback... (see attached minutes dtd 7/20/1989)". The Chairman has been asked by a person from a compressor company if this is still in effect. Ray Archambault spoke about this decision, saying that the matter was actually addressed at a meeting in 1988. There was a request for vertical tanks: the legs put the height of the tank at 12", because of the ellipsoidal head, the bottom of the head was 10.5" – 11". So the Board gave a variance such that if in the inspectors' judgment that was sufficient for inspection, that would satisfy. The then-Chairman sent a letter to the inspectors and the insurance inspectors, which the Board members were not copied on, which made it sound like this applied to all air tanks across the board, not just a limited number of 24" vertical air tanks; even with 12" clearance at the ends where the legs came down, the clearance might be 10" – 11" in between. It was left to the discretion of the inspectors to ensure that there is sufficient space for a complete external inspection and drainage. Henry Geryk confirmed that this was/is the understanding of the inspectors. Ray Archambault went on to

emphasize that 522 CMR 8.02 was never changed by the Board. *The Chairman said he would get back to the person from the compressor company to clarify this matter.*

6. Public Comments

- a. CMR 527.19, remote shut-off switches and circuit breakers, a recent insurance inspection brought to light that the regulations reads that there 'should' be a switch, rather than there 'shall' be a switch. What is the regulation requiring? What is the proper approach for these switches? Tom Healy: NBIC defines owner/user of those responsible for safe operation, but what is the meaning of operation? It was pointed out that the installation, construction and inspection of boilers is under the purview of the Department of Public Safety, and not a matter to be considered by the Board.
- b. Tom Healy: Chapter 146 is statute, law. 522 CMR is regulation. Statute supercedes regulations. 522 should not be determining which boilers or pressure vessels are being inspected, correct?
- c. Steve Sawyer: Has submitted requests for clarification to the Board over the years, and is concerned that the subject matter of these requests be included in the re-write process. The Chairman has asked Steve Sawyer to provide copies of these requests.

7. Adjournment – Motion made and seconded, followed by a unanimous vote to adjourn this meeting at 10:35am.

Attachments to Minutes:

Applications for Extensions